PATENT

Docket No.: <u>CI-0003</u>

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

SKIPEY I. MIEKKA, Wilson BURGESS, William N. BROHAN, Martin J. MACPHEE, Randall S. KENT, David M. MANN and Yuri GRIKO

: Group Art Unit: 2881

Serial No.:

09/942,941,

Filed:

2 5 2003

August 31, 2001

Confirm. No.:

8965

For:

METHODS FOR STERILIZING PREPARATIONS CONTAINING ALBUMIN

## INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the indicated date. Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, that information cited in the statement is considered to be and/or is material to patentability, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

- 1. This Information Disclosure Statement is being filed (i) within three months of the U.S. filing date of a U.S. application other than a CPA continued prosecution application under §1.53(d) OR (ii) within three months of the date of entry of the national stage as set forth in §1.491 in an international application OR (iii) before the mailing date of a first Office Action on the merits. No certification or fee is required. 37 C.F.R. §1.97(b).
  - 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application. 37 C.F.R. §1.97(c).
    - a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart

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foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).

- b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
- c. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- 3. This Information Disclosure Statement is being filed after the mailing date of a Final Rejection OR Notice of Allowance OR an action that otherwise closes prosecution in the application, but on or before payment of the Issue Fee. Attached is our check no. \_\_\_\_ in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). Please credit or debit Deposit Account No. 16-0607 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 C.F.R. §1.97(d).
  - a. I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1).
  - b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2).
  - 4. Other.
- X 5. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted, FLESHNER & KIM, LLP

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DRM\TMS:dcp

ATTY, DOCKET NO. APPLN, SERIAL NO. C1-0003 09/942,941 OF PRIOR ART CITED BY APPLICANT(S) **APPLICANT** Shirl y I. MIEKKA, Wils n BURGESS, William N. DROHAN, Martin J. MACPHEE, Randall S. (PTO-1449) KENT, David M. MANN and Yuri GRIKO FILING DATE **GROUP** August 31, 2001 2881 **U.S. PATENT DOCUMENTS EXAMINER'S** \*ISSUE **FILING CLASS SUBCLASS** INITIALS \*PATENT NO. DATE \*INVENTOR NAME DATE KAWASHIMA et al. 3,962,038 06/08/76 195 68 04/10/74 4,894,253 01/16/90 HEINEMAN et al. 427 36 08/08/88 94.2 5,002,766 03/26/91 RANSBERGER et al. 424 09/23/88 10/12/99 435 2 03/17/97 5,965,349 LIN et al. 5,958,669 09/28/99 OGLE et al. 435 1.1 05/02/97 28 5,911,951 06/15/99 GIRARDOT et al. 422 02/09/98 U.S. PATENT APPLICATION PUBLICATIONS \*PATENT APPLN. \*PUB. PUB. NO. DATE \*APPLICANT CLASS **SUBCLASS U.S. PATENT APPLICATIONS** \*APPLN. \*FILING CLASS **SUBCLASS** NO. DATE \*INVENTOR **FOREIGN PATENT DOCUMENTS** Translation **EXAMINER'S** INITIALS **SUBCLASS** PATENT NO. DATE COUNTRY CLASS Yes No JP 408098688A 04/16/96 Abs Japan WO 00/52031 09/08/00 **PCT** OTHER ART (Including Author, Title, Date, Pertinent Pages, Publisher, Place of Publication, Etc.) P.V. Kapanin et al., "Feasibility of liposome cryoradiation sterilization," Khimiko-Farmatsevticheskii Zhurnal, 1988, Vol. 22(4), Abstract, pp. 479-82. DATE CONSIDERED **EXAMINER** 

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.